## BLAKELY SOKOLOFF TAYLOR & ZAFMAN LLP

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JUL 0 6 2005

## FACSIMILE COVER SHEET

Deliver to: Minh D. A., USPTO	Art Group:2821				
Facsimile No.: 703-872-9306	06 Date: July 6, 2005				
From: Mark C. Van Ness, Reg. No.	39,865				
Our Docket No.: 42P16079	Number of pages11including this sheet.				
Application No.: 10/607,724	Filing Date: 6/27/2003				
Enclosed are the following documents:	Docket Due Date(s): 7/6/2005				
☑ Amendment: After Final (_8_pgs)	☐ Issue Fee Transmittal				
☐ Appeal Brief (pgs)	☐ Notice of Appeal				
☐ Application:	Petition for:				
( pgs) w/cover & abstract)	☐ Request for Continued Examination (RCE)				
☐ Assignment & Cover Sheet (pgs)	Reply Brief (pgs)				
☑ Certificate of FacsImile	Request & Certification Under 35 USC 122(b)(2)(B)(l)				
☐ Continued Prosecution Application (CPA)	☐ Request to Rescind Previous Nonpublication Request				
☐ Declaration & POA (pgs)	☐ Response to Notice of Missing Parts & Formalities Letter				
☐ Drawings:sheets,figures	Response to Written Opinion (pgs)				
Extension of Time:	☐ Terminal Disclaimer				
▼ Fee Transmittal (In duplicate)	☐ Transmittal of Publication Fee Due				
☐ IDS & PTO/SB/08 ( pgs)	🔀 Transmittal Letter				
Other Other					
	LING/TRANSMISSION (37 CFR 1.8A)				
	mitted by facsimile on the date shown below to the United States				
Patent and Trademark Office.					
(2000)	7/6/2005				

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Date

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TRANSMITTAL FORM			Application No.	10/607	7,724	
TRANSMITTAL FORM			Filing Date	June 2	7, 2003	
(to be used for all correspondence after initial filing)			First Named Inventor	Grego	ry A. Peck	
			Art Unit	2821		
,		Examiner Name	Minh	D. A.		
Total Number of Pages i	n This Submiss	ion 11	Attorney Docket Number	42P16	5079	
ENCLOSURES (check all that apply)						
Fee Transmittal Form	e Transmittal Form Drawing(s)				After Allowance Communication o Group	
Fee Attached	hed Licensing-r		related Papers		Appeal Communication to Board of Appeals and Interferences	
Amendment / Respons	Amendment / Response				Appeal Communication to Group Appeal Notice, Brief, Reply Brief)	
After Final Affidavits/declaration(s)		Petition to Provisiona	Convert a Application		Proprietary Information	
Extension of Time Rec	Extension of Time Request		Power of Attorney, Revocation Change of Correspondence Address		Status Letter	
Express Abandonment Request		Terminal Disclaimer			Other Enclosure(s) please identify below):	
Information Disclosure Statement		Request for Refund		R	eturn Postcard	
PTO/SB/08		CD, Number of CD(s)				
Certifled Copy of Priority Document(s)						
Response to Missing Parts/ incomptete Application		Remarks		, .L.,		
☐ Basic Filing Fee ☐ Declaration/POA						
Response to Min Parts under 37 (						
SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT						
Firm Ma	1 Wate C. Vall 1403, Reg. 140. 37,003					
or Individual name BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP					LP	
Signature	Signature					
Date July 6, 2005						
CERTIFICATE OF MAILING/TRANSMISSION  I hereby certify that this correspondence is being transmitted via facsimile on the date shown below to the United States Patent and Trademark Office.						
Typed or printed name Gayle Bekish						
Signature Carylor				Date	July 6, 2005	

Based on PTO/SB/21 (04-04) as modified by Blakely, Solbkoff, Taytor & Zalman (wir) 08/04/2004. SEND TO: Commissioner for Patents. P.O. 8ox 1450, Alexandria, VA 22313-1450

07/06/05

Date

Figure 1 to a or a subject to anough recovery.    Applicant daims small entity status. See 37 CFR 1.27.     TOTAL AMOUNT OF PAYMENT   (\$)	FEE TRANSMITTAL			Complete if Known					
Applicant claims small entity status. See 37 CFR 1.27.   Estaminen / Name   Minh D. A.	for FY 2005								
Applicant daims small entity status. See 37 CFR 1.27.   Examiner Name   Minh D. A.   Art Unit   2821   Altomey Dooket No.   42P16079									
TOTAL AMOUNT OF PAYMENT (\$)    Altonia   Alto				<b></b>			·K		
METHOD OF PAYMENT (check all that apply)  □Check □Credit card □ Money Order ☑None □Other (please identify): □Deposit Account Deposit Account Number: 02-2666 Deposit Account Name: Blakely, Sokoloff, Taylor & Zafman LLP For the above-identified deposit account, the Director is hereby authorized to: (check all that apply) □Charge fee(s) indicated below □Charge fee(s) indicated below □Charge any additional fee(s) or underpayment of fee(s) □Credit any overpayments □Charge any additional fee(s) or underpayment of fee(s) □Credit any overpayments □Charge any additional fee(s) or underpayment of fee(s) □Credit any overpayments □Charge fee(s) indicated below, except for the filting fee □Code (\$) □Credit any overpayments □Charge fee(s) indicated below, except for the filting fee □Code (\$) □Credit any overpayments □Charge fee(s) indicated below, except for the filting fee □Code (\$) □Credit any overpayments □Charge fee(s) indicated below, except for the filting fee □Code (\$) □Credit any overpayments □Charge fee(s) indicated below, except for the filting fee □Code (\$) □Credit any overpayments □Charge fee(s) indicated below, except for the filting fee □Code (\$) □Credit any overpayments □Charge fee(s) indicated below, except for the filting fee □Code (\$) □Credit any overpayments □Charge fee(s) indicated below, except for the filting fee □Code (\$) □Credit any overpayments □Charge fee(s) indicated below, except for the filting fee □Code (\$) □Credit any overpayments □Charge fee(s) indicated below, except for the filting fee □Code (\$) □Credit any overpayments □Charge fee(s) indicated below, except for the filting fee □Code (\$) □Credit any overpayments □Charge fee(s) indicated below, except for the filting fee or cover sheet. □Code (\$) □Credit any overpayments □Charge fee(s) indicated below, except for the filting fee or cover sheet. □Code (\$) □Credit any overpayments □Charge fee(s) indicated below, except for the filting fee or cover sheet. □Code (\$) □Credit any overpayments □Charge fee(s) indicated below, except for the filting	Applicar	it claims sm	rall entity st	iatus. Se	e 37 CFR 1.27.				
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Deposit Account Deposit Account Number: 92-2666   Deposit Account Name: Blakely, Sokoloff, Taylor & Zafman LLP									
For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)    Charge fee(s) indicated below   Charge fee(s) indicated below, except for the filing fee     Charge any additional fee(s) or underpayment of fee(s)   Credit any overpayments	I =								
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Large Entity	unc	ler 37 CFF	८ §§ 1.16,	1.17, 1.	.18 and 1.20.				
Fee   Fee   Code (\$)	FEE CALCU	LATION							
Fee   Fee   Code (\$)	Lame Fr	atity	Small	⊏ntitv	,	•			
Code (\$)					•				
1051   130   2051   65   Surcharge - Late filling fee or oath   1052   50   2052   25   Surcharge - Late provisional filling fee or cover sheet.   2053   130   2053   130   Non-English specification   1251   120   2251   60   Extension for reply within first month   1252   450   2252   225   Extension for reply within second month   1253   1,020   2253   510   Extension for reply within third month   1254   1,590   2254   795   Extension for reply within fourth month   1255   2,160   2255   1,080   Extension for reply within fifth month   1401   500   2401   250   Notice of Appeal   1402   500   2402   250   Filling a brief in support of an appeal   1403   1,000   2403   500   Request for oral hearing   1451   1,510   2451   1,510   Petition to institute a public use proceeding   1460   130   2460   130   Petitions to the Commissioner   1807   50   1807   50   Processing fee under 37 CFR 1.17(q)   1806   180   1806   180   Submission of Information Disclosure Stmt   1809   790   1809   395   Filling a submission after final rejection (37 CFR § 1.129(a))   Other fee (specify)   SUBMITTED BY   Complete (if applicable)   SUBMITTED BY   Complete (if applicable)   SUBMITTED BY   Complete (if applicable)   Complete (if applicable)   SUBMITTED BY   Complete (if applicable)   Complete (if applicable)   SUBMITTED BY   Complete (if applicable)   SUBMITTED BY   Complete (if applicable)   SUBMITTED BY   Complete (if applicable)   Complete (if applicable)   SUBMITTED BY   Complete (if applicable)   Complete (if applicable)   SUBMITTED BY			ľ		Fee Description	on			Fee Paid
1052   50   2052   25 Surcharge - late provisional filing fee or cover sheet.   2053   130   2053   130   Non-English specification     1251   120   2251   60   Extension for reply within first month   1252   450   2252   225   Extension for reply within second month   1253   1,020   2253   510   Extension for reply within fourth month   1254   1,590   2254   795   Extension for reply within fourth month   1255   2,160   2255   1,080   Extension for reply within fifth month   1401   500   2401   250   Notice of Appeal   1402   500   2402   250   Filing a brief in support of an appeal   1403   1,000   2403   500   Request for oral hearing   1451   1,510   2451   1,510   Petition to institute a public use proceeding   1460   130   2460   130   Petitions to the Commissioner   1807   50   1807   50   Processing fee under 37 CFR 1.17(q)   1806   180   1806   180   Submission of Information Disclosure Stmt   1809   790   1809   395   Filing a submission after final rejection (37 CFR § 1.129(a))   1810   790   2810   395   For each additional invention to be examined (37 CFR § 1.129(b))   Complete (if applicable)   SUBMITTED BY   Submitted (if applicable)   Su	4	` '	1		Surcharge - late	e filing fee or	oath		
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Posistation No.	CHRMITT	EN BV						Comp	lote (If applicable)
	i .	I	——— ԵՐ Van	Ness		Registration No. (Attorney/Agent)	39,865	Telephone	(503) 439-8778

Based on PTO/SB/17 (12-04) as modified by Blakely, Solokoff, Taylor & Zafman (wtr) 12/15/2004. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

Signature

07/06/05

Date

FEE TRANSMITTAL			Complete if Known					
for FY 2005 Petent fees are subject to annual revision.		Application Number	er	10/607,724				
		Filing Date First Named Inven	utae .	June 27, 2003				
					Examiner Name	1001	Gregory A. Peck Minh D. A.	
Applicar	nt claims sn	nall entity s	tatus. Se	ee 37 CFR 1,27.	Art Unit	<del></del>	2821	
TOTAL A	MOUNT O	F PAYMEN	IT .	(\$)	Attorney Docket N	lo.	42P16079	
METHO	OF PAY	MENT (c)	heck all i	that apoly)				
METHOD OF PAYMENT (check all that apply)  □ Check □ Credit card □ Money Order ☒ None □ Other (please identify):								
Deposit A	Deposit Account Deposit Account Number: 02-2666 Deposit Account Name: Blakely, Sokoloff, Taylor & Zafman LLP							
For the	above-iden	atified der	osit acc	ount, the Director is h	ereby authorized	to: (check	all that apply)	
	arge fee(s)			•			ated below, except for	the filing fee
				underpayment of fee	(s) 🔲 Credit aı	ny overpay	ments	
unc	under 37 CFR §§ 1.16, 1.17, 1.18 and 1.20.							
FEE CALCU	LATION							
Large Ei	ntity	Small	Entity					
Fee	Fee	Fee						
Code	(\$)	Code		Fee Description	on			Fee Paid
1051	130	2051	65	Surcharge - late	filing fee or	oath		
1052	50	2052	25	Surcharge - late	provisional f	iling fee	or cover sheet.	
2053	130	2053	130	Non-English sp	ecification	_		
1251	120	2251	60	Extension for re	ply within firs	t month		
1252	450	2252	225	Extension for re	ply within sec	cond mo	nth	
1253	1,020	2253	. 510	Extension for re	ply within thir	rd month	l	
1254	1,590	2254	795	Extension for re	ply within fou	irth mont	th	
1255	2,160	2255	1,080	Extension for re	ply within fifth	n month		
1401	500	2401	250	Notice of Appea	al			
1402	500	2402		Filing a brief in		appeal		
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1451	1,510	2451	1,510	Petition to instit	ute a public u	ise proce	eeding	
1460	130	2460	130	Petitions to the	Commissione	er		
1807	50	1807	50	Processing fee	under 37 CF	R 1.17(q	1)	
1806	180	1806	180	Submission of I	nformation D	isclosure	e Stmt	
1809	790	1809	395	Filing a submission	on after final re	ejection (3	37 CFR § 1.129(a))	
1810	1810 790 2810 395 For each additional invention to be examined (37 CFR § 1.129(b))							
Other fee (specify)								
						5	SUBTOTAL (2)	(\$)
SUBMITT	ED BY	•		<del></del>			Complet	e (if applicable)
Name (Print/T)		k C. Van	Ness		Registration No.	39,865		503) 439-8778

Based on PTO/SB/17 (12-04) as modified by Blakely, Solokoff, Taylor & Zafman (wir) 12/15/2004, SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

Signature

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JUL 0 6 2005

Attorney Docket No.: 42390.P16079

Patent

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application	of: Gregory A. Peck	)
Serial No.	10/607,724	) Group Art: 2821
Filed:	06/27/03	) Examiner: Minh D. A.
Title:	Apparatus and Method to covide Antenna Diversity	) ) )

Commissioner for Patents P.O Box 1450 Alexandria, VA 22313-1450

## <u>RESPONSE TO NON-FINAL ACTION</u>

Dear Sir,

In response to the Final Office Action dated April 6, 2005, Applicant respectfully requests entry of the following amendment, and reconsideration and withdrawal of the rejections.

No Amendments were made to the Specification

Amendments to the Claims begin on Page \_\_2\_

No Amendments were made to the Drawings

Attorney Docket No: 42390P16079

Serial No: 10/607,724